

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE JAMES MAJOR,

Plaintiff,

Case No. 1:07-cv-888

v

HON. JANET T. NEFF

MICHIGAN DEPARTMENT OF
CORRECTIONS PAROLE BOARD,
et al.,

Defendants.

JUDGMENT

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On September 18, 2007, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A(b)(1) on grounds that the Michigan Parole Board is immune and plaintiff fails to state a claim against the remaining defendants. The matter is presently before the Court on plaintiff's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which an objection has been made. The Court denies the objection and issues this Judgment. See FED. R. CIV. P. 58.

In his document entitled "Objection to Magistrate Judge Report & Recommendation," plaintiff does not offer an objection but an "additional issue," to wit, that the parole board members acted arbitrarily in denying him parole. Plaintiff has waived this argument by failing to first present it to the Magistrate Judge. See *Murr v. United States*, 200 F.3d 895, 902 n. 1 (6th Cir. 2000). In any

event, plaintiff's new due process argument would fail for the same reasons the Magistrate Judge rejected plaintiff's first due process argument.

For these reasons and because this action was filed *in forma pauperis*, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the objection (Dkt 5) is DENIED and the Report and Recommendation (Dkt 4) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915A(b) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: July 8, 2008

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge